

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-7154 PA (JCGx)	Date	August 27, 2012
Title	Joyce Flynn v. C.R. Bard, Inc., et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Paul Songco	N/A		N/A
Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

Proceedings: IN CHAMBERS – ORDER TO SHOW CAUSE

Before the Court is a Complaint filed by plaintiff Joyce Flynn (“Plaintiff”). The Complaint alleges several state law causes of action against defendant C.R. Bard, Inc., as well as against Doe manufacturer defendants (collectively “Defendants”) arising out of allegedly defective medical devices manufactured and distributed by Defendants. The Complaint alleges that Plaintiff is a citizen of Hagerstown, Maryland, and that C.R. Bard, Inc., is a New Jersey corporation with its principal place of business in New Jersey. Plaintiff further alleges that the Doe manufacturer defendants are citizens of California or conduct business within California.

The Court orders Plaintiff to show cause, in writing not to exceed 15 pages, why this action should not be transferred to the United States District Court for the District of Maryland, or, in the alternative, to the United States District Court for the District of New Jersey, for the convenience of the parties and witnesses, and in the interest of justice. See 28 U.S.C. § 1404(a). All factual matters relied upon in Plaintiff’s submission must be supported by appropriate declarations and admissible evidence. To assist the Court in determining whether transfer is appropriate and in the interest of justice, Plaintiff is directed to address the following, in addition to sharing her beliefs as to which forum is more convenient for the parties and witnesses:

1. Whether this action could have been brought in the District of Maryland or the District of New Jersey;
2. Whether venue is appropriate in the District of Maryland or the District of New Jersey;
3. What contacts, if any, each of the parties has to the Central District of California (“Central District”), the District of Maryland, and the District of New Jersey. Plaintiff should include information regarding the location of the parties’ administrative offices, real property, sources of revenue, and points of public contact;
4. What connection Plaintiff’s causes of action have to the Central District, the District of Maryland, and the District of New Jersey;

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5. Which witnesses are expected to be called and where they reside;
6. The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District as compared to the District of Maryland or the District of New Jersey;
7. The ease of access to sources of proof in each of the three forums;
8. The expected difference in the cost of litigation in the Central District as compared to the District of Maryland and the District of New Jersey; and
9. Whether there are any alternative forums, other than the Central District, the District of Maryland, or the District of New Jersey, that would be more convenient for this action, keeping in mind the inquiries above.

Plaintiff is ordered to file a response to this Order no later than September 4, 2012. Plaintiff is ordered to personally serve a copy of this Order on any defendant that has already been served with the Complaint within three (3) court days of the date of this Order or at the time of service for any defendant that has not already been served. Failure to timely respond to this Order may result in the imposition of sanctions including the dismissal of this action without prejudice. Any defendant who has been served with the Complaint may respond within seven days after Plaintiff's response has been filed.

IT IS SO ORDERED.